

ty, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms, and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all State ad valorem taxes for general revenue purposes levied or to be levied on property in said county limiting the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1924 to 1958, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

S. C. R. No. 47, Memorializing Congress to enact H. R. 881 and H. R. 1199, granting tax exemptions to those held prisoners by the Japanese.

S. C. R. No. 49, Requesting the Governor to return S. B. No. 148 to the Senate for further consideration.

S. C. R. No. 50, Suspending the Joint Rules to consider S. B. No. 296 on House Bill Day.

Adjournment

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m. Monday.

Senator York moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Lane, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Brown	Knight
Bullock	Lane
Chadick	Moffett
Crawford	Morris
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Winfield
Kelly of Tarrant	

Nays—5

Aikin	Vick
Parrish	York
Phillips	

Absent

Carney	Ramsey
Cousins	Weinert

Absent—Excused

Kelley of Hidalgo	Stanford
Mauritz	Stewart
Proffer	

The Senate, accordingly, at 5:10 o'clock p. m., adjourned until 10:30 o'clock a. m. Monday, May 26, 1947.

SEVENTY-SECOND DAY

(Monday, May 26, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Senator Parrish.

The roll was called and the following Senators were present:

Brown	Kelly of Tarrant
Carney	Morris
Cousins	Parrish

Senator Cousins moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow out of respect to the memory of Senator Fred Mauritz, who died on Saturday, May 24, 1947.

The motion prevailed.

The Senate, accordingly, at 10:35 o'clock a. m., adjourned until 10:30 o'clock a. m., tomorrow.

SEVENTY-THIRD DAY

(Tuesday, May 27, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Knight
Brown	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Stewart
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan

Vick
Weinert

Winfield
York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Phillips, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 22, 1947, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Aikin.

Communications From Texas School Officials

The President laid before the Senate and directed the Secretary to read the following communications:

WESTERN UNION

Abilene, Texas, '21, 831A

1947 May 21, a. m., 9:37

Hon Allan Shivers,
Lt. Gov. of Texas, Austin, Tex.

Mr. President and members of the Senate may we express our deepest appreciation to you for an excellent job you have done for the school children of Texas this session.

JOE C. HUMPHREY, Chairman,
Texas Legislative Committee, Texas
State Teachers Assn.

DALLAS HIGH SCHOOL TEACHERS ASSOCIATION

715-16 Kirby Building
Dallas 1, Texas

May 22, 1947.

The Honorable Allan Shivers, Lieutenant Governor

State Senate
Austin, Texas.

Dear Mr Shivers:

The Dallas High School Teachers Association wants you and the members of the Senate to know that each member of our professional organization is grateful for the interest and aid you have given in behalf of the many problems of the teachers of Texas.

Sincerely yours,

(Signed) W. Bailey Hargrave,
President.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 27, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate the House has passed the following bill and resolutions:

The House refused to adopt conference committee report on Senate Bill No. 167 and requests appointment of a new conference committee.

The following conferees have been appointed on the part of the House: Isaacks, Johnson, Bell of De Witt, Green, McVey.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 341.

The following conferees have been appointed on the part of the House: Still, Jackson, Lock, Etheredge, Cox.

S. B. No. 296, A bill to be entitled "An Act to provide for the diagnosis, care and education of persons afflicted with cerebral palsy; providing for the establishment and maintenance of a State School for the cerebral palsied; providing for its location, control and management; and making appropriation for carrying out the purposes of the Act; and declaring an emergency."

H. C. R. No. 42, Authorizing the Franklin D. Roosevelt Foundation to erect at a suitable site on the State Capitol grounds a memorial to the memory of the late President, Franklin Delano Roosevelt.

H. C. R. No. 144, Recalling House Bill No. 356 from the Governor.

H. C. R. No. 146, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 495.

H. C. R. No. 147, Designating the second Tuesday in May as "Clean-Up and Beautification Day" throughout the State.

Respectfully submitted,

CLARENCE JONES,

Cheif Clerk, House of Representatives.

Senate Bill 436 on First Reading

By unanimous consent, the following bill was introduced, read and referred to the Committee on Labor:

By Senator Kelly of Tarrant:

S. B. No. 436, A bill to be entitled "An Act to regulate boxing and wrestling, creating the Office of State Commissioner of Boxing and Wrestling for the licensing and regulating of said sports, providing for the appointment of a commissioner for boxing and wrestling, prescribing his powers and duties, and providing rules, regulating the proper conduct of such exhibitions, and authorizing the commissioner to promulgate such rules, and providing penalties for violations thereof; providing for the distribution of money collected under this Act and making appropriations, directing a penalty and providing a savings clause; repealing all laws in conflict therewith; and declaring an emergency."

Senate Concurrent Resolution 51

Senator Moffett offered the following resolution:

S. C. R. No. 51, To permit the consideration of S. J. R. No. 2 and H. J. R. No. 6 at any time by either House.

Be it Resolved by the Senate, the House of Representatives concurring, that all necessary Joint Rules be suspended in order to permit the Senate and the House of Representatives to take up and consider Senate Joint Resolution No. 2, or H. J. R. No. 6 at any time that said resolutions may be pending in either the House or the Senate.

The resolution was read.

On motion of Senator Moffett, and by unanimous consent, the resolution was considered immediately and was adopted.

Messages from the Governor

The President laid before the Senate and directed the Secretary to read the following messages from the Governor:

Austin, Texas,
May 23, 1947.

To the Members of the Fiftieth Legislature:

Complying with the request contained in Senate Concurrent Resolu-

tion No. 48, I am returning Senate Bill No. 128 to the Senate for correction.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
May 23, 1947.

To the Members of the Fiftieth Legislature:

Complying with the request contained in Senate Concurrent Resolution No. 49, I am returning to the Senate Senate Bill No. 148 for correction.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

New Conference Committee on Senate Bill 167

Senator Ramsey called from the President's table for consideration at this time, the request of the House for a new conference committee to adjust the differences between the two Houses on S. B. No. 167 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Ramsey, Weinert, Carney, Phillips and Taylor.

Conference Committee on House Bill 521

Senator Kelley of Hidalgo called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 521 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Kelley of Hidalgo, Winfield, Tynan, Phillips, Ramsey.

House Bill 67 on Second Reading

Senator Cousins submitted the following motion in writing:

I move to suspend the regular order of business and take up H. B.

No. 67 out of its regular order for consideration at this time.

Pending debate of the motion by Senator Lane, Senator Cousins raised a point of order against further debate by Senator Lane, on the motion, on the ground that the motion is not debatable.

The President overruled the point of order, stating that the motion is not debatable but is explainable.

Senator Chadick called for a division of the question and a separate vote on each Senate rule to be suspended in order that the bill might be considered immediately.

Accordingly, the question was first put on whether or not Rule 38 relating to the printing of bills should be suspended.

The rule was suspended by the following vote:

Yeas—17

Aikin	Kelly of Tarrant
Bullock	Phillips
Carney	Ramsey
Cousins	Stewart
Crawford	Taylor
Harris	Tynan
Hazlewood	Weinert
Jones	York
Kelley of Hidalgo	

Nays—7

Brown	Lane
Chadick	Proffer
Hardeman	Vick
Knight	

Absent

Moffett	Stanford
Morris	Winfield
Parrish	

Absent—Excused

Strauss

The question was next put on the suspension of the order of considering bills and resolutions as provided for in Rule 13.

The order of business as provided in Rule 13 was suspended by the following vote:

Yeas—17

Aikin	Jones
Bullock	Kelley of Hidalgo
Carney	Kelly of Tarrant
Cousins	Phillips
Crawford	Ramsey
Harris	Stewart

Taylor	Weinert
Tynan	York
Vick	

Nays—6

Brown	Knight
Chadick	Lane
Hardeman	Proffer

Absent

Hazlewood	Parrish
Moffett	Stanford
Morris	Winfield

Absent—Excused

Strauss

Senator Chadick then raised a point of order against consideration of the bill at this time on the ground that proper notice of the committee hearing on the bill had not been given.

After ascertaining the facts relative to the giving of notice of the committee hearing at which the bill was ordered reported, the President overruled the point of order.

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 67, A bill to be entitled "An Act to provide authority for agreement for cooperative development and operation of properties and interests in properties in the same filed for the production of oil as well as gas, including, but not limited to, certain specified operations; to provide for the approval by the Railroad Commission of such agreements under certain circumstances; providing standards; providing authority for administrators, executors, guardians, or other fiduciaries administering estates under the control of the County Courts to execute such agreements and authorizing the subsection of properties belonging to estates being so administered to the terms of such agreements; prescribing the manner in which such authority for such agreement may be obtained; providing the effect of the execution of such agreements; excluding such agreements hereby declared lawful from the provisions of Title 126 Revised Civil Statutes and Chapter 3, Title 19 Penal Code; repealing Section 21 of Chapter 120 of the Acts of the 44th Legislature, Regular Session, page 318, and Chapter 309 of the Acts of the 49th Legis-

lature, Regular Session, page 507, and Chapter 80 of the Acts of the 49th Legislature, Regular Session, page 117, and repealing all other laws in conflict to the extent of conflict only; declaring the severability of all parts of this Act; and declaring an emergency."

The bill was read second time.

Senator Cousins offered the following committee amendment to the bill:

Amend H. B. No. 67, by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. It is hereby declared the public policy of this State to prevent the waste of, and to promote the conservation of oil and gas, and to protect correlative rights therein. Therefore, when necessary to prevent waste of, and to promote the conservation of oil and gas, and to protect correlative right therein, it shall be lawful for two or more persons owning, claiming, or controlling production, leases, royalties, or other interest in separate properties in the same oil field, gas field, or oil and gas field, when it appears from geologic or other data that such properties are underlaid by one or more common accumulations of oil or gas, or both, to enter into and perform agreements for co-operative development and operation of all or any part or parts of such field, for the purposes hereinafter specified in (a) to (d), inclusive, provided, such agreements are approved by the Railroad Commission of Texas, upon application and after notice and hearing, upon a finding by the Commission that they are in the interest of public welfare as being reasonably necessary to prevent waste, to promote the conservation of oil or gas, and to protect correlative right. Provided further that the order of the Railroad Commission shall define the area within the field to be included within the unit area. Any pooling agreement approved shall provide for addition to the unit of newly developed acreage in the same field, provided that the owner or owners of the newly developed acreage and the owners of the established unit so agree, and the Railroad Commission approves as in the original instance.

Such agreements when so approved by the Railroad Commission may provide:

(a) For establishing pooled units necessary to effect secondary recovery operations, including those known as cycling, recycling, repressuring, water flooding and pressure maintenance, and for the location and spacing of input and producing wells thereon.

(b) For establishing and operating co-operative systems for said secondary recovery operations, or for conservation and utilization of gas, which may include facilities for extracting and separating the hydrocarbons from the wet gas (natural gas or casinghead gas) and returning the dry gas to a formation underlying any lands or leases committed to the agreement, and providing that no royalties are required to be paid on gas so returned.

(c) For the equitable division, on an agreed basis, of oil and gas produced therefrom.

(d) For the extension of leases covering any part of lands committed thereto, so long as operations for drilling or re-working or so long as production of oil or gas in paying quantities is had from any part of the lands or leases committed thereto; provided no such agreement shall relieve any operator from the obligation to develop reasonably the lands and leases as a whole committed thereto.

No such agreement shall provide for the co-operative marketing or refining of crude petroleum nor shall it provide for the co-operative refining of gas or any by-product of gas except the extraction of liquid hydrocarbon therefrom and the separation of such liquid hydrocarbons into their component parts nor shall it provide for the co-operative marketing of any by-product of gas whenever it is practical to deliver such by-product in kind to its owners severally.

All agreements executed hereunder shall be subject to any valid order, rule or regulation of the Railroad Commission of Texas relating to spacing, proration, conservation, or other matters within the authority of the Railroad Commission, whether promulgated prior, or subsequent to, the execution of such agreement.

Such agreements shall bind only the persons who execute them, their heirs, successors, assigns, and legal representatives.

No provisions of this Act shall be construed, however, as requiring the approval of the Railroad Commission of

(a) voluntary agreements for the joint development and operation of jointly owned properties; or

(b) voluntary agreements entered into between the operators of tracts or interests in tracts embraced within a production, proration or drilling unit established by the Railroad Commission of Texas to integrate the owners' interests and to develop and operate their lands as a unit; provided, however, that nothing contained in this Act shall be construed to abrogate or in any manner affect any order, rule, or regulation of the Railroad Commission of Texas relating to spacing, proration, conservation, or any other matter within the authority of the Railroad Commission, whether promulgated prior, or subsequent to, the execution of such agreement.

Sec. 2. The Commissioner of the General Land Office, on behalf of the State of Texas or of any fund belonging thereto, is authorized to execute contracts committing to the agreements herein declared to be lawfully the royalty interests in oil or gas, or both, reserved to the State or any fund thereof by law, in any patent, in any contract of sale, or under the terms of any oil and gas lease lawfully issued by an official, board, agent, agency or authority of the State; provided (a) that agreements which commit such royalty interests in lands set apart by the Constitution and laws of this State for the Permanent Free School Fund and the several asylum funds, in river beds, inland lakes, and channels, and the area within tidewater limits, including islands, lakes, bays, inlets, marshes, reefs, and the bed of the sea, are approved by the School Land Board and are executed by the owners of the soil if they cover lands leased for oil and gas under the Relinquishment Acts, Articles 5367 to 5379, inclusive, Revised Civil Statutes of Texas, 1925; and (b) that agreements which commit such royalty interests in lands or areas other than those mentioned in the preceding clause (a) of this Section 2, are approved by the board, official, agent, agency, or authority of the State vested with authority to lease or to approve the

leasing of said lands or areas for oil and gas.

Sec. 3. Administrators, executors, guardians, or other fiduciaries administering estates under the control and jurisdiction of the County Courts of this State may on behalf of the estate make, enter into and execute the agreements herein declared to be lawful, and may include therein the estates' interest in oil and gas under the control and jurisdiction of the County Courts. The administrator, executor, guardian or other fiduciary shall file his sworn application with the County Clerk of the county where such estate is being administered for authority to make, enter into and execute the agreements, and the County Judge either in term time or vacation, shall hear the application and require proof as to the necessity or advisability of making and entering into the agreement, and if he approves the same, he shall enter an order authorizing the administrator, executor, guardian, or other fiduciary to make, enter into and execute the agreement, and the order shall contain a copy thereof.

Previous notice of such application shall be given by the administrator, executor, guardian or other fiduciary for one week prior to the time the County Judge hears the application by publishing same in some newspaper of general circulation in the county where the estate is pending for one issue of the paper. The notice shall say when and where the application will be heard. If no such newspaper is published in the County where the notice is required to be given, then the notice may be given by posting same at the Court House door of such County for seven days next preceding the date of the hearing, and the publishing or posting as herein provided may be shown by the return of the Sheriff or Constable, or by the affidavit of any credible person made on a written copy of the notice so published or posted showing the fact of publishing or posting.

No notice of such application shall be given by the County Clerk, but notice must be given by the administrator, executor, guardian, or other fiduciary as herein provided, and when the application is filed, the Clerk shall immediately call the attention of the Judge of the Court in which the estate is pending, to the

filing of the application, and the Judge shall designate a date to hear the application, which date shall not be within seven days succeeding the filing of the application, and such hearing may be continued from time to time until the Judge is satisfied concerning the application.

After the hearing of the application and the granting of same by the Court, the administrator, executor, guardian, or other fiduciary shall be fully authorized to make, enter into and execute the agreement upon the oil and gas interests of the estate being administered in accordance with the judgment of the Court thereon. In the event the Court considers the making of the agreement of sufficient benefit to the estate being administered, he may authorize execution thereof without requiring the payment of any cash consideration or bonus therefor, and shall so state in his order authorizing the execution thereof, and in that event when the order has been made, the administrator, executor, guardian, or other fiduciary shall be fully authorized to make and enter into and execute and deliver the authorized agreement, and shall not be necessary for the Court to make an order confirming the agreement. In the event the order of the Court required a cash bonus to be paid, the agreement shall not be valid until the administrator, executor, guardian, or other fiduciary files a good and sufficient bond in double the amount of the cash bonus that may be paid for the execution of the agreement, which bond shall be approved by the County Judge, filed with the County Clerk, and recorded in the Minutes of the Court; provided, however, in the event the order of the Court contains findings to the effect that the general bond of the administrator, executor, guardian, or other fiduciary is sufficient in amount to equal double value of the personal property of the estate on hand, including the amount of such cash bonus, or in the event the executor or other fiduciary is administering the estate without bond, no additional bond shall be required. When the order has been made and any bond that may be required hereunder has been executed and approved, the administrator, executor, guardian, or other fiduciary shall be fully authorized to make and enter into, and execute and

deliver the authorized agreement, and it shall not be necessary for the Court to make any order confirming the agreement.

Agreements authorized by this Act shall not of themselves have the effect of extending any oil and gas lease executed by a guardian on real estate belonging to a minor beyond the time the minor becomes twenty-one years of age, unless at the time the minor becomes twenty-one years of age oil and gas, or either of them, has been discovered on the lands described in and committed to the agreement, in which event the lease shall remain in force and effect for so long as oil and gas, or either of them, is produced from any of the lands committed to the agreement.

Agreements authorized by this Act shall not of themselves have the effect of extending any oil and gas lease executed by an executor or administrator on oil and gas interests belonging to the estate and being administered under the control and jurisdiction of the County Court, beyond the time the estate is partitioned and distributed, and shall not be binding upon the heirs, legatees or distributees of the estate or on the purchasers from the estate, unless at the time the estate is partitioned and distributed actual development has been commenced and is being and continues to be prosecuted with reasonable diligence, or oil and gas, or either of them, have been discovered on the lands described in and committed to the agreement, in which event the lease shall remain in force and effect for so long as actual development is prosecuted with reasonable diligence on the lands described in and committed to the agreement, and if it results in the discovery of oil and gas, or either of them, then for so long thereafter as oil and gas, or either of them, is produced from any of the lands committed to the agreement.

No provision in this Act shall be construed as requiring approval by the County Court of Agreements herein declared to be lawful when they are made by an independent executor, or any other fiduciary acting free from the control of the County Clerk.

Sec. 4. It shall be the duty of the Commission to determine the status of gas production from all reservoirs

in this State where gas is produced from unitized tracts of land. If and when the Commission finds that waste exists or is imminent in the production of gas from any such reservoir exceeds the market demand for gas from such reservoir, the Commission shall then proceed by proper order to prorate and regulate the gas production from such reservoir on a reasonable basis. On or before the 20th day of each month the Commission, after notice and hearing, shall determine (1) the lawful market demand for gas to be produced from each such reservoir during the following month, and (2) the volume of gas that can be produced from such reservoir and each well therein during the following month without waste. The Commission shall then fix the monthly reservoir allowable of gas to be produced from such reservoir at the lawful market demand therefor or at the volume that can be produced from such reservoir without waste, whichever is the smaller quantity. The monthly reservoir allowable shall be allocated among all wells entitled to produce gas therefrom so as to give each well its fair share of the gas to be produced from the reservoir, provided that each well be restricted to the amount of gas that can be produced from it without waste. The volume of gas so allocated to each well shall be regarded as the monthly allowable for such well.

When the evidence shows that a portion of the demand for gas from any reservoir is seasonable or that a portion thereof fluctuates from month to month, the Commission may permit the wells in such reservoir to produce in excess of the monthly allowable, provided, (1) no well shall in any one month be permitted to produce in excess of twice its monthly allowable or at a rate in excess of 25% of the daily producing capacity of such well as found by the Commission, (2) that any well that shall have produced twice its allowable for six successive months shall be closed in until its production and its allowable are in balance, and (3) the Commission may, on the 1st day of March and September of each year, restrict production from all wells that are then overproduced to such fractional part of their monthly allowable as will bring the accumulated allowables and the accumulated monthly production in

balance during the next six months.

It shall be unlawful for any person to produce gas from a well that has produced as much as twice the volume of the monthly allowances allocated to such well during the six months immediately preceding such production until such overproduction has been fully absorbed by lawful allowables.

Sec. 5. All agreements authorized hereunder shall provide in substance for the payment as royalty to the holders of the royalty interests in the unit of not less than 1/8th of the proceeds received from the sale at the well or in the field of gas produced from gas wells as now defined by the Statutes of Texas or by the General Order of the Railroad Commission classifying gas wells issued January 18, 1939; provided, that on gas produced from a gas well and sold off the unit area or used off the unit area other than for the extraction of liquid hydrocarbons therefrom, the royalty shall not be less than 1/8th of the market value of such gas at the well; and provided further that when any party or parties under any co-operative agreement herein declared to be lawful extract by any means the liquid hydrocarbons from gas produced from gas wells or separate such liquid hydrocarbons into their component parts, the royalty shall not be less than 1/8th of the market value, where extracted or separated of the liquid hydrocarbons saved and sold, and the royalty on the gas remaining after such extraction shall not be less than 1/8th of the proceeds derived from the sale of such residue gas if it is sold in the field or at the plant, but if it is sold or used elsewhere the royalty thereon shall not be less than 1/8th of the market value in the field or at the plant. As between royalty owners in the unit, the royalty shall be equitably divided on an agreed basis as provided in Paragraph C of Section 1 above. Provision may be made that gas used for operation on the unit, returnable to a formation thereunder, lost in handling, furnished to the lessors in the leases for use thereon, or used or lost in plant operations may be excluded before royalties are computed.

Sec. 6. Section 21 of Chapter 120 of the Acts of the 44th Legislature, Regular Session, page 318, and Chapter

309 of the Acts of the 49th Legislature, Regular Session, page 507, and Chapter 80 of the Acts of the 49th Legislature, Regular Session, page 117, are hereby repealed. All other laws and parts of laws in conflict herewith, to the extent only that they may be in conflict, are hereby repealed, but where the same are not in conflict, the provisions of this Act shall be cumulative of such other existing law.

Sec. 7. Agreements, and operations thereunder, in accordance with this Act, being necessary to prevent waste, conserve the natural resources of this State, and to protect correlative rights, shall not be construed to be in violation of the provisions of Title 126, Revised Civil Statutes, 1925, as amended, nor Chapter 3, Title 19, Penal Code of Texas, 1925, as amended, known as Antitrust Acts. However, if any court should find a conflict between this Act and Title 126, Revised Civil Statutes of Texas, 1925, as amended, or Chapter 3, Title 19, Penal Code of Texas, 1925, as amended, then this Act is intended as a reasonable exception thereto, necessary for the above stated public interests; provided further, that if any court should find that a conflict exists between this and the above mentioned laws, and that this Act is not a reasonable exception thereto, then it is the intent of the Legislature that this Act, or any conflicting portion hereof, shall be declared invalid rather than declaring the above mentioned Antitrust Laws, or any portion thereof, invalid.

Sec. 8. It is hereby declared to be the legislative intent to enact each provision of this Act separately, and should any section, phrase, or part of this Act be declared unconstitutional, or for any reason invalid, such invalidity shall not affect any other remaining portion, provision, or section.

Sec. 9. The fact that existing laws provide only for the cooperative development and operation for gas in the same field, with no provision for the co-operative development for oil in the same field, and the fact that existing laws do not authorize officers of Government to execute such agreements, and the fact that existing laws do not authorize administrators, executors, guardian, or other fiduciaries administering estates under the con-

trol and jurisdiction of County Courts to make such agreements, all constitute serious deficiencies in existing law, and create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted."

Senator Cousins offered the following amendment to the committee amendment:

Amend committee amendment No. 1 of H. B. No. 67 by striking out all of Sec. 5 of the printed copy thereof.

Senator Ramsey moved the previous question on the amendment to the committee amendment, the committee amendment and the passage of the bill to third reading, and the motion was duly seconded.

Senator Aikin raised a point of order against the motion for the previous question on the ground that there had been no discussion of the bill.

The President overruled the point of order.

Question recurring on the motion of Senator Ramsey it was lost by the following vote:

Yeas—12

Brown	Ramsey
Bullock	Stewart
Carney	Tynan
Cousins	Weinert
Crawford	Winfield
Harris	York

Nays—14

Aikin	Lane
Chadick	Moffett
Hardeman	Morris
Hazlewood	Parrish
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Stanford

Absent

Knight	
Taylor	Vick

Absent—Excused

Strauss

Question—Shall the amendment to the amendment be adopted?

Report of Conference Committee on House Bill 168

Senator Harris called for consideration at this time, the report of the conference committee on H. B. No. 168.

The report was adopted by the following vote:

Yeas—26

Aikin	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Stanford
Harris	Stewart
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York

Absent

Brown	
Ramsey	Taylor

Absent—Excused

Strauss

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 542, A bill to be entitled "An Act appropriating the sum of One Million Eight Hundred Ten Thousand and Four Hundred Fifty-six and no/100 (\$1,810,456.00) Dollars per year or so much thereof as may be necessary for the next biennium beginning September 1, 1947, and ending August 31, 1949, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and for the vocational rehabilitation of disabled persons according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allo-

cations of said appropriations; etc., and declaring an emergency."

S. B. No. 131, Amending Article 734b, Vernon's Annotated Criminal Statutes of the State of Texas, Penal Code, Revision of 1925, by amending all and every part of Section 1 to and through Section 25 inclusive, making it unlawful for any person to engage in the practice of a hairdresser or cosmetologist or to operate a cosmetological school without having first obtained a certificate of registration; making it unlawful for the owner of any hairdressing or cosmetological shop to employ certain persons to work therein who have not obtained licenses; etc., and declaring an emergency. (With amendments.)

C. S. S. B. No. 296, A bill to be entitled "An Act to provide for the diagnosis, care and education of persons afflicted with cerebral palsy; providing for the establishment and maintenance of a State School for the cerebral palsied; providing for its location, control and management; and making appropriation for carrying out the purposes of the Act; and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act providing for and regulating appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-ninth Legislature, Chapter 268, page 422, so as to provide for County Juvenile Boards in counties having a population of less than seventy thousand (70,000) inhabitants according to the last preceding Federal census, and forming a part of a Judicial District composed of seven or more counties having a combined population of more than fifty-two thousand (52,000) inhabitants, or forming a part of a Judicial District composed of five or more counties having a combined population of more than seventy-two thousand (72,000) inhabitants according to such last preceding Federal census; providing for additional sala-

ries for their members; and declaring an emergency."

H. C. R. No. 142, Granting each House permission to adjourn from Thursday, May 22, 1947, until Monday, May 26, 1947.

Recess

On motion of Senator Aikin, the Senate, at 12:00 o'clock m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President pro tempore.

Messages from the Governor

The following messages received from the Governor today were laid before the Senate, read, and referred to the Committee on Nominations by the Governor:

Austin, Texas,
May 26, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be chairman of the Battleship "Texas" Commission for two year terms:

Lloyd Gregory of Houston, Harris county (representing Veterans of Foreign Wars of the United States.)

To be members of the Battleship "Texas" Commission for two year terms:

Thurman Krueger of El Campo, Wharton County, member at large.

J. Russell Wait of Houston, Harris County, member at large.

J. Perry Moore of Houston, Harris County, representing Sons of the Republic of Texas;

Mrs. A. M. Farnsworth of San Antonio, Bexar County, Daughters of the Republic of Texas;

Dr. William E. Howard of Dallas, Dallas County, Texas Historical Association;

G. W. Brown of Houston, Harris County, Texas Navy League;

Jas. B. Hutchinson of Houston, Harris County, Disabled Veterans—D. A. V.

E. H. Thornton, Jr., of Galveston,

Galveston County, American Legion.
Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
May 26, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Parks Board for six year terms to expire May 15, 1953:

T. C. Ashford of Maud, Bowie County;

Raymond Dillard of Mexia, Limestone County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Adjournment

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow and that it do so out of respect to the memory of Honorable J. P. Fant, a member of the House of Representatives from Jefferson, Marion County, Texas, who died today.

The motion prevailed.

The Senate, accordingly, at 2:40 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

SEVENTY-FOURTH DAY

(Wednesday, May 28, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York
Lane	